



ANB Funding for Children Under the Age of 5

Under no circumstances can there be any state funding used to fund any form of a preschool program. This cannot be emphasized strongly enough. As can be noted below, MCA 20-7-117 (2). Kindergarten and preschool programs, state funds cannot be used to support a preschool program. Nothing prohibits a school district from offering a preschool program to children from ages 3 to 5, but it MUST be at the expense of the local school district using whatever funding they can make available to operate such a program. On a related side note, public schools cannot operate a preschool program and charge tuition or any other similar fee for attendance.

20-7-117. Kindergarten and preschool programs.

(2) The trustees of an elementary school district may establish and operate a free preschool program for children between the ages of 3 and 5 years. When preschool programs are established, they must be an integral part of the elementary school and must be governed accordingly. Financing of preschool programs may not be supported by money available from state equalization aid. [emphasis added]

MTSBA has developed Model Policy 3100 Student Enrollment, Exceptional Circumstances Meriting Waiver of Age Requirements for Pupils. OPI was asked for input and review and after some discussion, OPI has supported the final version of this policy towards meeting our interpretation of statute and providing excellent guidance to school districts to provide kindergarten programming for children under the age of 5 and receive ANB funding.

There are two primary criteria OPI expects to be met, without question, on this topic: 1) the enrollment of these students MUST be approved by the Trustees at an official meeting and 2) these students MUST be enrolled in a kindergarten program. Further, OPI strongly suggest that if a district moves in this direction that the district have documentation for these students readily available for their auditor.

Given the statutory requirement that children under the age of 5, 'by special permission of the board of trustees', can be admitted to attend school in a Kindergarten program only, OPI suggests that districts consider screening potentially eligible children, identified under a district policy or procedure, for their readiness to be in kindergarten. There is a 'line' between exiting preschool and entering Kindergarten in terms of what a student should know and be able to do. It is inappropriate for a program developed for these children to be founded on preschool learning standards. If a district is unsure of the difference between preschool content standards and kindergarten content standards, OPI is available to assist in clarifying the separation point between them.

A model program would be: 1) A district has a locally funded preschool program. 2) The district would have a Kindergarten 1 program for students that should not be in preschool, but after screening it is determined that these students are not ready to be successful in a full-time kindergarten. Most of the children in this program would likely be 4 years old, but there may also be some 5 year old children in this program as well. 3) Finally, there is a Kindergarten 2 program for children who have been screened and it has been determined they are likely to be successful in a full-time kindergarten program. Districts would not be required to offer a preschool program, but they must ensure that the students in the Kindergarten 1 program do not actually belong in a preschool program.

If a district enrolls children under the age of 5 and enters them in a program named Kindergarten or any number of variations of Kindergarten (Early Kindergarten, 4 Year Old Kindergarten, Kindergarten 1) and requests ANB funding for these students but in fact delivers the content of a preschool program they will be in violation of the law. If OPI becomes aware of this circumstance, the district will be required to pay the state back any state funds received for these students.

I hope this helps clarify this issue. Please do not hesitate to contact me if there further questions.

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